



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

June 30, 2006

To the Honorable, the Common Council

Dear Members:

Re: Common Council Files 060290 and 060147

Common Council File 060290 contains the following recommendation:

Recommendation of suspension for 90 days, based on the police report and neighborhood objections, of the Class "B" Tavern and Tavern Amusement Cabaret (Nite Club) license of Jodie Kornfehl, Agent for "JK Fun Holdings, LLC" for the premises at 618-24 N. Broadway ("Jungle") in the 4th aldermanic district. (Committee vote: Ayes: 3, Noes: 1)

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on June 23rd, 2006.

Common Council File 060147 contains the following recommendations:

Recommendation of renewal, with a 14-day suspension based on the police report, of the Tavern Dance license of Dean Zarkos, Agent for "Dino Z, LLC" for the premises at 777 N. Jefferson St. ("Dino's Taverna") in the 4th aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

Recommendation of non-renewal, based on the police report, neighborhood objections and non-appearance, of the Class "B" Tavern license of Dawn Wheaton for the premises at 3001 S. 9th St. ("HUH?") in the 14th aldermanic district.

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on June 27th, 2006.

Pursuant to section 90-11, Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters to your Honorable Body.

Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, **a roll call vote will be taken** to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensee.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Wednesday, July 12, 2006** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

JAMES N. WITKOWIAK

James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
Files 060290 and 060147



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: June 30, 2006

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal application of the Class "B" Tavern and Tavern Dance license of Dean Zarkos as agent for "Dino Z, LLC" for the premises located at 777 North Jefferson Street in the City and County of Milwaukee, Wisconsin ("Dino's Taverna").

FINDINGS OF FACT

1. Dean Zarkos as agent for Dino Z, LLC (hereinafter the "Licensee") is the holder of a Class "B" Tavern license and a Tavern Dance license in the City and County of Milwaukee, Wisconsin. Said licenses expire at midnight, September 3, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on May 31, 2006.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On June 1, 2006, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license. There were also neighborhood objections to loitering, littering, loud music and noise, late night disturbances, fights, presence and sale to underage, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On June 19, 2006 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections and of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report and neighborhood objections on June 27, 2006, commencing at 9:00 a.m. in Room 301B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202. At said date, time and place, the Licensee appeared and

admitted receipt of notice for the hearing, as well as notice of the objection to renewal of licenses. The Licensee was not represented by counsel.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On August 5, 2004 at 7:00 p.m. an underage Milwaukee police aide at the direction of City of Milwaukee Police officers entered the licensed premises at 777 North Jefferson Street ("Dino's Taverna"). The aide was able to purchase beer from the bartender Jill A. Naus. The bartender was issued a citation for sale to underage and on November 19, 2004 she was found guilty and fined \$75.00.
 - B. On August 9, 2004 at 12:35 a.m. officers of the Milwaukee Police Department could hear loud music coming from the licensed premises at 777 North Jefferson Street ("Dino's Taverna"). The music could be heard from over 100 feet away. An officer observed that the front door was propped open. Dean Zarkos was on the premises and when informed of the violations, he claimed that the officer was harassing him. He wanted to talk to a supervisor and stated that he would talk to his alderman and to the mayor. Mr. Zarkos was warned by this same officer on August 7, 2004 regarding loud music and the door being open after 10:00 p.m. Mr. Zarkos was issued a citation for noise nuisance which was dismissed on January 25, 2005. Mr. Zarkos was issued a citation for doors to tavern kept closed after 10:00 p.m. and on January 25, 2005 was found guilty and fined \$150.00.
 - C. On January 16, 2005 at 1:40 a.m. officers of the Milwaukee Police Department on patrol heard loud music coming from the licensed premises at 777 North Jefferson Street ("Dino's Taverna"). The music could be heard from a distance of about 180 feet. When the officers entered the tavern, Dean Zarkos began yelling that the officers were harassing him. He was yelling and uncooperative. Mr. Zarkos was issued a citation for noise nuisance and on September 29, 2005 was found guilty and the sentence was suspended.
 - D. On February 26, 2005 at 2:03 a.m. officers of the Milwaukee Police Department conducted a premises check of the licensed premises at 777 North Jefferson Street ("Dino's Taverna"). They observed several patrons on the premises. After checking IDs, it was learned that six patrons were underage and they were cited for presence of underage. Two of the six were also cited for possession/consumption of alcohol. One adult patron was arrested for possession of controlled substance (cocaine). Officers found, in the restroom, a baggie of a white powdery substance and a glass with a powdery substance floating in it. The substance in the baggie and

in the glass was found to be cocaine. The Licensee, Dean Zarkos, who was present on the premises was issued a citation for presence of underage which was dismissed.

- E. On February 27, 2005 at 12:33 a.m. officers of the Milwaukee Police Department conducted a license check of the licensed premises at 777 North Jefferson Street ("Dino's Taverna"). As they approached the tavern from a distance of about 500 feet, they could easily hear loud music. Dean Zarkos was on the premises. Officers found 143 persons on the premises (the occupancy permit is 99 persons). Mr. Zarkos was issued a citation for occupancy and on September 29, 2005 he was found guilty and fined \$2,500. Mr. Zarkos was also issued a citation for noise nuisance which was dismissed on September 29, 2005.
- F. On March 12, 2005 at 12:10 a.m. officers of the Milwaukee Police Department conducted a license premises check at the licensed premises at 777 North Jefferson Street ("Dino's Taverna "). They found no violations but Dean Zarkos was loud and boisterous towards the officers and he had a strong odor of an intoxicant on his breath, his eyes were glassy and bloodshot, his speech was slurred and he was unable to stand on his own and he was the responsible person on the premises.
- G. On October 2, 2005 at 2:40 a.m. the applicant was issued a citation for disorderly conduct and on February 16, 2006 he was found guilty and fined \$338.00.
- H. On April 14, 2006 at 1:15 a.m. the Licensee was issued a citation for presence of minor prohibited. Officers of the Milwaukee Police Department conducted a license check of the premises at 777 North Jefferson Street and found a 17-year old girl inside the bar. She was identified as Whitney L. Fisher, white female, date of birth April 17, 1988. She was also issued a citation for presence of minor prohibited. This mater is pending, with a pretrial scheduled for July 21, 2006

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee finds that the Licensee, Dean Zarkos as agent for "Dino Z, LLC", has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "B" Tavern Dance license held by the licensee without undergoing a

fourteen (14) day suspension. The Committee recommends approval of the Class "B" Tavern license of Dean Zarkos. The Committee finds the police report to be true.

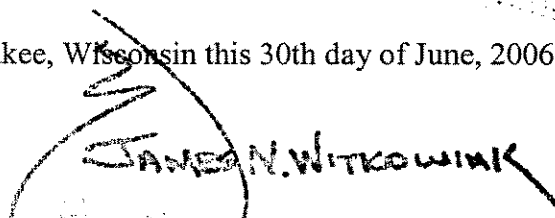
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to renew the Tavern Dance license for the licensed premises at 777 North Jefferson Street in the City and County of Milwaukee, Wisconsin ("Dino's Taverna") held by Dean Zarkos as agent for "Dino Z, LLC" with a fourteen (14) day suspension based upon the danger that his conduct represents to the health, safety and welfare of the citizens of the City of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes, recommends that the Class "B" Tavern License be renewed but that the Tavern Dance license held by Dean Zarkos be renewed with a fourteen (14) day suspension.

The suspension of the Tavern Dance license is to be in effect between 12:01 a.m. September 4, 2006 and midnight, September 17, 2006.

Dated and signed at Milwaukee, Wisconsin this 30th day of June, 2006.


JAMES N. WITKOWIAK
Chairman of the Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: June 29, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal application of Dawn M. Wheaton for a Class "B" Tavern license for the premises located at 3001 South 9th Street in the City and County of Milwaukee, Wisconsin ("Huh?").

FINDINGS OF FACT

1. Dawn M. Wheaton (hereinafter the "Licensee") is the holder of a Class "B" Tavern license for the premises 3001 South 9th Street in the City and County of Milwaukee, Wisconsin ("Huh?"). Said license expires at midnight, July 24, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on May 4, 2006.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The police department filed a police report dated May 5, 2006 that could form the basis for nonrenewal or suspension of the license. There were also neighborhood objections to loitering, littering, loud music and noise, fights and shootings, parking and traffic problems, drug and criminal activity, failure to comply with municipal ordinance requirements, vandalism, trespassing, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On June 15, 2006, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report and neighborhood objections and provided a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections for June 27, 2006 at 8:30 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee did not appear. The licensee was not represented by counsel.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. Notice of the hearing, as well as a copy of the police report, was sent to Dawn M. Wheaton at 2135 South 11th Street, Milwaukee, Wisconsin 53215 on June 15, 2006 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 2135 South 11th Street, Milwaukee, Wisconsin 53215 is the address given by the applicant on her application. The envelope was not returned to the License Division by the United States Postal Service. The licensee failed to appear at the hearing on June 27, 2006.
- B. On January 29, 1999 at 12:00 AM, officers of the Milwaukee Police Department were dispatched to a bar fight at the licensed premises at 3001 South 9th Street in the City and County of Milwaukee, Wisconsin ("Huh?"). Officers spoke to licensee, Dawn Wheaton, who stated that she called police after an argument started over a pool game. Several teeth were found on the floor and one patron was admitted at St. Francis's hospital for minor injuries.
- C. On February 20, 1999, the licensee, Dawn Wheaton, was cited by Milwaukee police for disorderly conduct at 2345 South Howell and on May 26, 1999 was found guilty and fined \$115.00
- D. On January 22, 2000, officers of the Milwaukee Police Department were dispatched to St. Luke's hospital for a battery complaint that occurred at the licensed premises located at 3001 South 9th Street in the City and County of Milwaukee, Wisconsin ("Huh?"). The complainant stated that he was in the tavern with a couple of his friends when six other patrons started a fight with him and he suffered minor injuries. The licensee, Dawn Wheaton, stated she called police but then cancelled the call when everyone left the premise.

NOTE: Dawn Wheaton was denied renewal of her Class "B" Tavern license at the June 13, 2000 Common Council meeting for nonappearance. Ms. Wheaton had been the licensee for 3001 South 9th Street since 1997 and had moved and not informed the postal service. She was charged with report of changed required and on August 31, 2000 was found guilty and fined \$100.00.

- E. On February 28, 2001 officers of the Milwaukee Police Department conducted an investigation at the licensed premises located at 3001 South 9th Street in the City and County of Milwaukee, Wisconsin ("Huh?") in an undercover capacity due to reports of drugs being sold in the tavern. Officers bought cocaine from one Michael Wheaton; father of licensee in August of 2000. A search warrant was obtained for the tavern and 104 grams of cocaine were found in the basement. The investigation also revealed that there was no one on the premise with a valid bartender's license. Michael

Wheaton was arrested for possession and sale of drugs. As to Dawn Wheaton, she was charged with failing to have a responsible person on the licensed premises and on April 25, 2001 was found guilty and fined \$200.00.

- F. On April 2, 2004 at about 11:05 PM, a patron was shot shortly after leaving the premises. Investigation did not indicate any circumstances or incidents occurring on or related to the premises prior to the shooting.
- G. On July 25, 2005 at 8:40 PM, officers of the Milwaukee Police Department conducted a premises check at the licensed premises at 3001 South 9th Street ("Huh?"). Upon attempting to enter, they observed that the door was locked from the inside. They had to be buzzed in by the bartender. The bartender did not have a Class "D" bartender license. The Class "B" license was expired. The officers also noted that the rear door was locked by a 2x4 piece of lumber in L bracket and a dead bolt lock. They also observed a bright orange sticker on this door (issued by the Department of Neighborhood Services) which read, "This bolt or bar shall be kept open during periods of occupancy." The tavern also did not have a posting of occupancy capacity. Outside the tavern, the licensee had two posted banners advertising special prices on Miller malt beverage products. The licensee was issued citations for posting of occupancy capacity, safe egress from all doors, and immediate entry to police and on October 7, 2005 was fined \$343.00 on each offense. The licensee was also issued citations for Class "D" bartender license required, permitting person to tend bar without license and advertisement of prices in exterior window and on October 7, 2005 these citations were dismissed.
- H. On November 11, 2005 at 9:04 PM officers of the Milwaukee Police Department and police detectives conducted a premises check at the licensed premises at 3001 South 9th Street in the City and County of Milwaukee, Wisconsin ("Huh?"). While speaking to the bartender, the officers observed a black plastic electronic four-prong functioning stun gun behind the bar in plain view. For the safety of the officers, they were instructed to pat down the bartender and patrons for other weapons. A detective spoke to one of the patrons, and asked if he had anything illegal on his person prior to conducting a search. The patron motioned to his left front pants pocket and stated, "you'll find it." The detective recovered six, pink one-inch paper folds wrapped by a rubber band containing a white, powdery substance, later tested and found to test positive for cocaine, total weight of 27.24 grams without container. It was placed on inventory. The officer also recovered 5 \$20 bills, and another pink, one-inch paper fold containing a white powdery substance from a patron's right pants pocket. The subject was arrested. The officers observed the rear emergency door locked with a 2x4 piece of wood and a dead bolt. Officers checked the basement and found several bundles of pink paper folds which contained a white powdery substance, suspected to be cocaine. They also observed US currency, gram scale and other items,

which were placed on inventory. Two television monitors were observed, which were affixed to cameras which viewed the front of the bar and inside of the bar. The cocaine and the currency (\$530.00) were placed on inventory. The patron was read his Miranda Rights, after which he told officers the cocaine was already in the tavern for him to sell. He stated that the licensee, Dawn Wheaton, would pay him anywhere from \$300-\$400 a week for selling the cocaine to the patrons. The case of the arrested patron was being reviewed by the District Attorney's office. The licensee, Dawn Wheaton, was issued a citation for safe egress from all entrance doors and on January 3, 2006 was found guilty and fined \$343.00.

- I. On November 25, 2005, at 9:48 PM, officers of the Milwaukee Police Department conducted a follow-up premises check at the licensed premises at 3001 South 9th Street in the City and County of Milwaukee, Wisconsin ("Huh?"). An officer observed the rear emergency exit door locked with a 2x4 piece of wood and a dead bolt. The licensee has been cited twice previously for this violation. The licensee told officers she advised her bartenders to keep the door unlocked during business hours. The licensee, Dawn Wheaton, was issued a citation for safe egress from all entrance doors, which was dismissed on January 3, 2006.
- J. Neighbors of the licensed premises located at 3001 South 9th Street in the City and County of Milwaukee, Wisconsin ("Huh?") provided testimony before the Committee as to their personal observations of numerous instances of disruptive conduct directly attributable to the licensed premise and its patrons that would warrant non-renewal of the Class "B" Tavern license. The neighbors' testimony included, but was not limited to, complaints regarding excessive noise, litter and fighting, all of which occurred on a regular basis and all of which was directly attributable to the tavern and its patrons. The frequency and the extent of these problems were such as to establish to the Committee's satisfaction that the Licensee has kept or maintained a disorderly or riotous, indecent or improper house.

CONCLUSIONS OF LAW

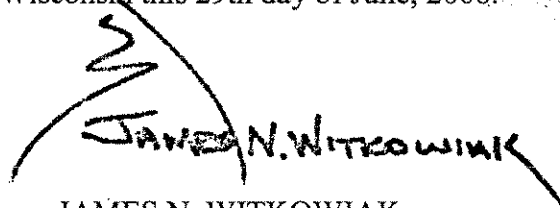
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Dawn M. Wheaton, has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of her Class "B" Tavern license. The Committee finds the police report and neighborhood objections as stated above to be true.

3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its discretion to not renew the Class "B" Tavern license of Dawn M. Wheaton for the premises at 3001 South 9th Street in the City and County of Milwaukee, Wisconsin ("Huh?") based upon the police report, neighborhood objections and the Licensee's nonappearance before the Committee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes, zero (0) noes, and one (1) excused, recommends that the application to renew the Class "B" Tavern license held by Dawn M. Wheaton for the premises at 3001 South 9th Street in the City and County of Milwaukee, Wisconsin ("Huh") be denied based upon the police report, neighborhood objections and the Licensee's nonappearance before the Committee.

Dated and signed at Milwaukee, Wisconsin this 29th day of June, 2006.

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in a cursive, somewhat stylized font. Above the signature, there is a large, sweeping, curved line that starts from the left and ends on the right, partially overlapping the top of the signature.

JAMES N. WITKOWIAK
Chairman of the Licenses Committee